

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

MICHAEL OZUNA, ID # 1378641,

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. **3:07-CV-1846-L**

ORDER

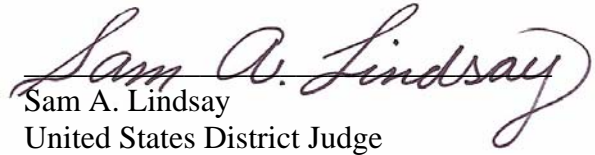
Before the court is Ozuna's Petition for Writ of Habeas Corpus, filed October 17, 2007, in the Eastern District of Texas, Sherman Division. On November 1, 2007, the case was transferred to the Northern District of Texas, Dallas Division and referred to Magistrate Judge Irma C. Ramirez. Magistrate Judge Ramirez entered Findings, Conclusions and Recommendation of the United States Magistrate Judge ("Report") on December 31, 2007. Petitioner did not file objections to the Report.

This is a habeas petition filed pursuant to 28 USC § 2254. Magistrate Judge Ramirez found that Ozuna had neither paid the requisite filing fee nor filed an application to proceed *in forma pauperis*. On November 8, 2007, she ordered Ozuna to cure this deficiency within thirty days and warned that failure to comply would result in the dismissal of the petition for failure to prosecute. To date, Ozuna has failed to cure the deficiency.

Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are

therefore **accepted** as those of the court. The court therefore **dismisses without prejudice** the writ of habeas corpus for want of prosecution pursuant to Fed. R. Civ. P. 41(b).

It is so ordered this 30th day of January, 2008.


Sam A. Lindsay
United States District Judge